

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JEFFREY VOGELSBERG,

Plaintiff,  
v.

YOUNG KIM, et al.

Defendants.

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ORDER

17-cv-596-jdp

Plaintiff Jeffrey Vogelsberg has filed a notice of appeal in this case. To date, however, plaintiff has not paid the appellate filing fee. Although plaintiff has filed a motion for leave to proceed without payment of the appellate filing fee, plaintiff neglected to include a certified trust fund account statement (or institutional equivalent) as required by the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a)(2). Accordingly, the court cannot consider plaintiff's motion at this time.

Plaintiff has also filed a motion to use release account funds to pay the entire fee for filing this appeal. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use release account funds to pay the entire balance of the appellate filing fee, and so plaintiff's motion will be denied.

ORDER

IT IS ORDERED that plaintiff Jeffrey Vogelsberg may have until October 28, 2020 to either (1) pay the \$505 appellate docketing fee; or (2) submit a certified trust fund account

statement for the six-month period preceding the filing of the appeal in compliance with 28 U.S.C. § 1915(a)(2). Failure to comply as directed may result in the dismissal of this appeal.

Entered this 6<sup>th</sup> day of October, 2020.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge